



# **Latrobe City Council submission to the review of bushfire planning provisions**

February 2023



## 1. Introduction

The Department of Transport and Planning is seeking feedback on the review of the bushfire planning provisions.

Submissions on the proposed changes are required by 10 February 2023.

Latrobe City Council officers have provided some comments around the proposed changes, specifically the submission focuses on:

- Clause 13.02 proposed changes
- Clause 53.02 proposed changes;
- Other proposed changes
- Implementation

## 2. Submission

### 2.1 Cause 13.02 proposed changes

#### 2.1.1 Structure Change

We have reviewed the changes to the structure of Clause 13.02 and don't have any concerns with the proposed changes.

#### 2.1.2 Specific comments for clarification

##### *Assessing Bushfire Hazard*

Latrobe City Council understands that the Bushfire Planning made clearer: Options for Victoria's Planning System identified a number of changes. Latrobe City Council also had a representative attend the workshops in 2022 to help inform these changes.

The first dot point under 'Strengthen the resilience of settlements, places and communities' in the revised clause 13.02 has clarified terminology which seems to be one of the recommendations from the Bushfire Planning made clearer: Options for Victoria's Planning System. The change to the local and neighbourhood conditions requires an assessment of 5km now instead of 1km for local and 400m for neighbourhood. This change is not identified in the summary of the draft changes document.

Latrobe City Council would like to know what the justification of the increase in the assessment. There doesn't appear to be justification as to why the distance is required to be increased.

##### *Strategic planning requirements*

The last dot point under the heading 'Strengthen the resilience of settlements, places and communities' has been altered from the current version. Latrobe City Council has concerns that it does not read with the same intent and reads that we should not be approving policies, strategies and amendments for an area that have or will have a radiant heat exposure 12.5 kilowatts/ square metres or less. This is the opposite the current strategy.

Also, the last sentence to this dot point is additional, is this referring to the table in schedule 2? If so, text will need to specify schedule.

## 2.2 Clause 53.02 proposed changes

### 2.2.1 Structure Change

Latrobe City Council acknowledges there has been significant changes to the structure of Clause 53.02 to try and reduce the confusion of the clause. The addition of the new 'res code style' tables help. However, the clause is still hard to work through, particularly if you were a member of the public.

### 2.2.2 Specific comments for clarification

#### *Table A – Bushfire Management Overlay*

The first application type to construct a dwelling or carry out works does not allow for alternative measures to be applied. This change is not identified in the summary of the draft changes document. Latrobe City Council is wondering what the justification is for this change? This is something that appears to be allowed for under the current Clause 53.02 and believe this should be retained. It also doesn't appear to be something highlighted in the *Bushfire Planning Made Clearer: Options for Victoria's Planning System* or workshops attended by Latrobe City Council.

#### *Table B - Bushfire Prone Area*

One of the changes identified is an application to subdivide land in a BPA now triggers an assessment under 53.02 for any subdivision, not greater than 10 lots.

Latrobe City Council does not understand the reasoning for the change. It doesn't appear to be something highlighted in *Bushfire Planning Made Clearer: Options for Victoria's Planning System* or the workshop we attend. In particular, in the *Bushfire Planning Made Clearer: Options for Victoria's Planning System* there is still reference to the number of lots should be included.

Latrobe City Council also would like to understand if this applies to boundary re-alignments and re-subdivision of land. This is not clear in the proposed changes to Clause 53.02.

#### *Schedule to Clause 53.02*

A new schedule has been included, however it is not clear on how this is intended to be used. Guidance should be prepared on the intent, purpose and instruction for its use.

## 2.3 Other Changes

### 2.3.1 VicSmart

Latrobe City Council believes that the change to include outbuildings as a VicSmart pathway is a positive change and will assist in reducing red tape for applicant where the only trigger was the Bushfire Management Overlay.

### 2.3.2 Bushfire Planning Made Clearer: Options for Victoria's Planning System and Workshops

There appears to be a number of changes and issues identified in the *Bushfire Planning Made Clearer: Options for Victoria's Planning System* and workshops where changes have not been identified as yet. This is disappointing as there are some key issues that still need to be worked through, such as:

- Guidance document for strategic planning work in consideration bushfire risk;
- Use triggers under the Bushfire Management Overlay;
- Ongoing management and compliance with bushfire considerations and responsibilities; and
- Contradiction between environmental policy and bushfire policy.

Latrobe City Council would like to see DTP include changes that support these and the other initiatives identified.

## 2.4 Implementation

It is not clear from the information provided when it is likely these changes will be implemented and whether any transitional arrangements are in place. Latrobe City Council has a number of projects where bushfire work is a consideration and would like to understand how these changes are affect current strategic planning work and planning scheme amendments.

It is also not clear how any comments provided will be responded to, for example will we see a further draft for review or will a response to submission table be prepared and circulated?

## 3.0 Conclusion

Latrobe City Council are generally supportive of DTP making changes to the bushfire provisions. However, there are some concerns around some aspect of the updates.

Latrobe City Council have requested a few changes / require further detail which are:

- Justification as to why some changes were made and why these weren't detailed on the summary of changes;
- Review of wording in Clause 13.02 were intent of the strategy has been changed;
- Justification and review of changes to Clause 53.02 including:
  - No alternative measures for dwelling in BMO
  - Subdivision in BPA
- Guidance on Schedule to Clause 53.02;
- DTP should be making further changes as identified in the *Bushfire Planning Made Clearer: Options for Victoria's Planning System* and workshops; and
- Details on when the changes will be implemented and how submissions will be responded to.